

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Todd A. Mellon,)	
)	C/A No.: 4:08-2110-MBS
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Michael J. Astrue, Commissioner of)	
Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff Todd A. Mellon filed applications for a period of disability, disability insurance benefits, and supplemental security income on November 20, 2003, alleging disability because of human immunodeficiency virus (HIV), anxiety, and depression. Plaintiff's applications were denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge ("ALJ"). The ALJ held a hearing on October 1, 2007. Plaintiff, through his attorney, amended the alleged date of onset of disability to January 23, 2004.

On February 27, 2008, the ALJ issued a decision finding that Plaintiff is not disabled and thus not entitled to a period of disability and disability insurance benefits under sections 216(i) and 223(d) of the Social Security Act, nor supplemental security income under section 1614(a)(3)(A) of the Act. On April 30, 2008, the Appeals Council determined that there was no basis for granting Plaintiff's request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), seeking judicial review of the "final decision" of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III. On August 10, 2009, the Magistrate Judge filed a Report and Recommendation in which he recommended that the Commissioner's decision

be affirmed. No party filed objections to the Report and Recommendation.

The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the Report and Recommendation and the record in this case. The court adopts the Report and Recommendation incorporates it herein by reference. Therefore, the Commissioner's decision denying a period of disability and disability insurance benefits and supplemental security income is **affirmed**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

August 31, 2009.